

USPTO 16 MAR 2006

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 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 176/61642 U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/572080
INTERNATIONAL APPLICATION NO. PCT/US2004/030644	INTERNATIONAL FILING DATE 20 September 2004 (20.09.2004)	PRIORITY DATE CLAIMED 19 September 2003 (19.09.2003)
TITLE OF INVENTION DIAGNOSTIC SYSTEM FOR OTOLARYNGOLOGIC PATHOGENS AND USE THEREOF		
APPLICANT(S) FOR DO/EO/US MILLER, Benjamin L.; HORNER, Scott R.; ROTHBERG, Lewis J. and TAGHIZADEH, Farhan		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/572080</div>	INTERNATIONAL APPLICATION NO. PCT/US2004/030644	ATTORNEY'S DOCKET NUMBER 176/61642																			
20. Other items or information: UNSIGNED Combined Declaration and Power of Attorney																					
The following fees have been submitted		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> </table>	CALCULATIONS	PTO USE ONLY																	
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21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">300.00</td> </tr> </table>		\$	300.00																	
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22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))																					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">200.00</td> </tr> </table>		\$	200.00																	
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All other situations..... \$200																					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))																					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0																					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">100.00</td> </tr> </table>		\$	100.00																	
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International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400																					
All other situations..... \$500																					
TOTAL OF 21, 22 and 23 =	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">600.00</td> <td style="width:50%;"></td> </tr> </table>		600.00																		
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<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Total Sheets</th> <th style="width:20%;">Extra Sheets</th> <th style="width:40%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width:20%;">RATE</th> </tr> <tr> <td>49 - 100 =</td> <td>-51 / 50 =</td> <td></td> <td>x \$250</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	49 - 100 =	-51 / 50 =		x \$250	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">0.00</td> </tr> </table>		\$	0.00									
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49 - 100 =	-51 / 50 =		x \$250																		
\$	0.00																				
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>56 - 20 =</td> <td>36</td> <td>x \$ 50</td> </tr> <tr> <td>Independent claims</td> <td>4 - 3 =</td> <td>1</td> <td>x \$200</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td colspan="2">+ \$360</td> </tr> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	56 - 20 =	36	x \$ 50	Independent claims	4 - 3 =	1	x \$200	MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">130.00</td> </tr> </table>		\$	130.00
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\$	130.00																				
TOTAL OF ABOVE CALCULATIONS =		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">2,730.00</td> </tr> </table>		\$	2,730.00																
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.																					
SUBTOTAL =		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,365.00</td> </tr> </table>		\$	1,365.00																
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Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).																					
TOTAL NATIONAL FEE =		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,365.00</td> </tr> </table>		\$	1,365.00																
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property																					
TOTAL FEES ENCLOSED =		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,365.00</td> </tr> </table>		\$	1,365.00																
\$	1,365.00																				
		Amount to be refunded: \$																			
		Amount to be charged: \$																			

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- a. ☒ A check in the amount of \$ 1,365.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Edwin V. Merkel
Nixon Peabody LLP
Clinton Square
P. O. Box 31051
Rochester, NY 14603-1051
United States of America


SIGNATURE

Joseph M. Noto
NAME

32,163

REGISTRATION NUMBER

EXPRESS MAIL CERTIFICATE

DOCKET NO.: 176/61642

APPLICANT(S): MILLER et al.

TITLE: DIAGNOSTIC SYSTEM FOR OTOLARYNGOLOGIC PATHOGENS AND USE
THEREOF


Certificate is attached to the Transmittal Letter to the
U.S. Designated/Elected Office (DO/EO/US) of the above-named
application.

"EXPRESS MAIL" NUMBER: EV685740148US

DATE OF DEPOSIT: March 16, 2006

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deposited with the United States Postal Service "Express Mail Post
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Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Shawn A. Lockett
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mailing paper or fee)**


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